

March 16, 2017

Ms. Rita Neal  
Office of the County Counsel  
County Government Center, Room D320  
San Luis Obispo, CA 93408

Dear Ms. Neal,

I am writing to follow up on my letter dated March 8, 2017 regarding a possible Brown Act violation that occurred during the Board of Supervisors meeting of March 7, 2017.

After my letter to you became public, a copy of the attached 5-page letter dated January 27, 2017 came into my hands. This letter is written and signed by Greg Grewal, Supervisor Arnold's appointee to the Water Resources Advisory Committee. All addressee information had been redacted before it came to me. It appears to be an attempt to dissuade the addressee from choosing to opt in to the proposed Estrella-El Pomar-Creston Water District, or to withdraw from having already opted in.

While the letter is filled with inflammatory, incorrect, and misleading statements, that is not why I have sent it to you. I believe that Paragraph #4 at the top of Page 4 which begins, "After various conversations...." when read in its entirety points to the likely possibility of another Brown Act violation by Mr. Grewal and unspecified San Luis Obispo County Supervisors in the form of a serial meeting. I believe it deserves your attention while you consider the potential Brown Act violation discussed in my earlier letter.

I find it disturbing that Mr. Grewal mentions "...various conversations with the current BOS supervisors (confidentially) they are going to declare the county the GSA (with regards to SGMA.) This action is to happen in the immediate future." The County Strategy for SGMA, unanimously passed last November describes that the County "...supports pursuing a funding mechanism supported by and funded by the affected landowners and/or extractors. Should long-term funding mechanisms for County SGMA costs not be approved by the affected landowners and/or extractors, the County would no longer be a GSA or GSA member." This is the Strategy in effect on the date of Mr. Grewal's letter, January 27. It is concerning that he asserts knowledge that the County is going to declare to be the GSA and that it will happen soon. And that he has had confidential conversations with Supervisors that affirm this. If what he asserts is true, then there may well be another Brown Act violation in the form of serial, if not direct, meetings between the three Supervisors who firmly acted on this intention at the March 7 meeting.

Mr. Grewal further asserts that "They have no intentions of charging extra fees.... They already collect county taxes for this purpose and so have no need to raise fees or charge a new tax." The actions by the majority Supervisors on March 7 support the idea that Mr. Grewal had some assurances that these Strategy modifications would take place as Supervisor Arnold used this same language during the discussion of her motion, repeatedly saying that she didn't want to

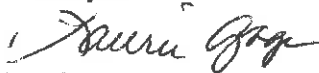
raise taxes on the overlies. Since the County doesn't raise or impose taxes under these kinds of situations (it takes a Prop 218 vote of the affected population), then both Mr. Grewal and Ms. Arnold made the exact same mistake, he in his letter and she in her motion discussion. To my mind, this bolsters the idea that there was a strategy change in place in late January, agreed to by the majority Supervisors and communicated to Mr. Grewal.

I think the referenced paragraph bears consideration in light of the actions taken on March 7 by the majority Supervisors. There would seem to be sufficient evidence, if circumstantial, that there may have been a Brown Act violation in the form of developing a common and agreed-to change to County SGMA Strategy without public input or notice. At the very least, the meetings described by Mr. Grewal, a member of the WRAC and therefore (hopefully) acquainted with Brown Act rules, and the assertions he made in his letter have the appearance of being extremely inappropriate.

I urge you to consider the overarching fact that this letter dates to January 27, 2017 and Mr. Grewal's assertions were that all these changes to the Strategy were in play at that time. This would indicate that these "conversations with the current BOS supervisors" must have taken place between November 1, 2016 (the date of the unanimous passage of the County SGMA Strategy) and late January. That is plenty of time to agendize a hearing regarding a change in the Strategy and allow the public to comment.

I urge you to include the information in the attached letter in your consideration of possible Brown Act violations and act to annul the changes made on March 7, reagendize the item, and allow the public to speak in their own behalf on the issue.

Thank you.



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